

In re Application of:  
Toshihiro NAKASHIMA et al.  
Serial No. 10/551,263  
IA Filing Date: March 28, 2003  
For: MODIFIED SEB AND PROPHYLACTIC STIMULANT MEDICINES

Atty's Dkt: NAKASHIMA6

) Application Division  
) ATTN: PCT  
) Washington, D.C.  
) Confirmation No. 3356  
) Date: September 18, 2006  
(Due September 17, 2006- Sunday)

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Missing Parts  
401 Dulany Street  
Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated July 17, 2006. Attached hereto is/are:

- ☐ An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.
- ☐ An exact English language translation of the PCT application as originally filed.
- ☐ Exact English language translation of the Annexes to the International Preliminary Examination Report containing substitute pages \_\_\_\_ of the specification and new claims \_\_\_\_ to be used for examination.
- ☒ A Preliminary Amendment.
- ☒ Submission of Sequence Statement and Disk
- ☒ An Information Disclosure Statement with 08A- 1449 and 15 references.
- ☒ Communication
- ☐ Additional fees as calculated below:

Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$0.00
Number of each additional 50 pages or fraction thereof (round up to a whole number)	RATE	
	X \$250.00	
Number of Claims Previously Paid For	Number of Extra Claims	Rate
- 20 =		X \$ 50.00
- 3 =		X \$200.00
Multiple Dependent Claims (if applicable)		+ \$360.00
TOTAL OF ABOVE CALCULATIONS		\$0.00
Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.		<\$ >
SUBTOTAL		\$0.00
Processing fee of \$130.00 for late furnishing of the English translation.		\$
TOTAL NATIONAL FEE		\$0.00

- ☐ Surcharge for late filing of the Declaration was paid on \_\_\_\_.
- ☐ It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity  
Response Filed Within

<input type="checkbox"/> First	-	\$ 60.00
<input type="checkbox"/> Second	-	\$ 225.00
<input type="checkbox"/> Third	-	\$ 510.00
<input type="checkbox"/> Fourth	-	\$ 795.00
<input type="checkbox"/> Fifth	-	\$1,080.00

month after time period set

Other Than Small Entity  
Response Filed Within

<input type="checkbox"/> First	-	\$ 120.00
<input type="checkbox"/> Second	-	\$ 450.00
<input type="checkbox"/> Third	-	\$1,020.00
<input type="checkbox"/> Fourth	-	\$1,590.00
<input type="checkbox"/> Fifth	-	\$2,160.00

month after time period set

- ☐ Total fees enclosed: \$ .00

- ☐ Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$ .00 is enclosed to cover the above fees.

- ☒ Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

- ☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

09/21/2006 LLANDGRA 00000035 024035 10551263

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BROWDY AND NEIMARK, P.A.  
Attorneys for Applicants

By:

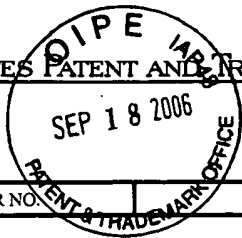
Shendan Neimark  
Registration No. 20,520

SN:dac

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UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

Awb

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,263	Toshihiro Nakashima	NAKASHIMA6

INTERNATIONAL APPLICATION NO.
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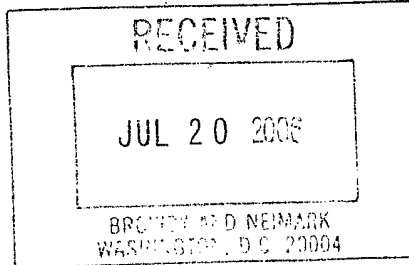
PCT/JP04/04184

I.A. FILING DATE	PRIORITY DATE
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03/28/2003

1444

BROWDY AND NEIMARK, P.L.L.C.  
 624 NINTH STREET, NW  
 SUITE 300  
 WASHINGTON, DC 20001-5303



CONFIRMATION NO. 3356

371 FORMALITIES LETTER



\*OC000000019627208\*

Date Mailed: 07/17/2006

NRP/IDS/Seq. = 175E2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/28/2005
- English Translation of the IA filed on 09/28/2005
- Copy of the International Search Report filed on 09/28/2005
- Copy of IPE Report filed on 09/28/2005
- Preliminary Amendments filed on 09/28/2005
- Oath or Declaration filed on 09/28/2005
- Biochemical Sequence Listing filed on 09/28/2005
- Request for Immediate Examination filed on 09/28/2005
- U.S. Basic National Fees filed on 09/28/2005
- Priority Documents filed on 09/28/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - The 7th inventor's last name is spelled differently on the declaration than on the international application. Please clarify.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,263	PCT/JP04/04184	NAKASHIMA6



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Toshinori NAKASHIMA et al.

IA No.: PCT/JP04/04184

IA Filed: March 28, 2003

U.S. Appln. No.: 10/551,263

For: MODIFIED SEB AND  
PROPHYLACTICS/REMEDIES FOR...

Atty. Docket: NAKASHIMA6  
) Conf. No.: 3356  
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)  
) Washington, D.C.  
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)  
) September 18, 2006  
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)

**COMMUNICATION Re: Spelling of 7<sup>th</sup> Inventor's last name**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Amendment  
401 Dulany Street  
Alexandria, VA 22314

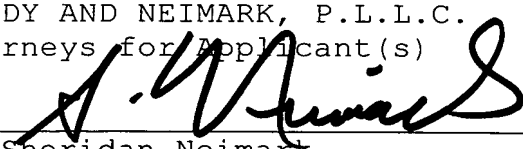
Sir:

The spelling of the 7<sup>th</sup> inventor's last name in the declaration filed September 28, 2005 is correct. Attached is a copy of the Notification of the Recording of a Change in the spelling of the 7<sup>th</sup> inventor's last name from the International Bureau.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

  
Sheridan Neimark

Registration No. 20,520

SN:dac

Telephone No.: (202) 628-5197

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